

## REMARKS

Applicants thank the Examiner for taking the time to conduct a telephonic interview on April 15, 2005, in which applicants' representative and the Examiner discussed the finality of the Action. Although the Examiner maintained that the finality was proper, applicants respectfully request that the Examiner reconsider this determination. Applicants note that in paragraph 1 of the Action dated January 24, 2005, the Examiner conceded that applicants' previous arguments were persuasive and noted that the rejection under 35 USC 103(a) over Yamada in view of Katsura was withdrawn. The Examiner went on to state that "a new ground of rejection is made." Applicants are not able to reconcile these statements with the Examiner's later assertion that the current rejection under 35 USC 103(a) over Katsura is not a new ground for rejection because Katsura was cited in both rejections.

Applicants also request that the Examiner reconsider his further assertions that the finality of the action is proper because applicants' amendments to claim 1 necessitated a new ground of rejection. Claim 1 was amended by removing the word "greatly" as suggested by the Examiner and by relocating the phrase "and extending of the center of a light emitting surface" to clarify the claim. Applicants submit that such amendments do not necessitate a new ground of rejection. Accordingly, applicants respectfully request that the Examiner enter the above amendments and consider the enclosed remarks.

Claims 1-3, 8-11 and 15 stand rejected under 35 USC 103(a) on Katsura. Applicants traverse this rejection. Applicants have amended claim 1 to improve the idiomatic English of the claim while maintaining the scope of the claim. Claim 1 recites a light emitting diode lamp comprising a convex lens having two different convex surfaces and that each surface is on a different side of a plane that is orthogonal to a light emitting surface and extends from a point other than the center of the light emitting surface.

The light emitting diode lamp of claim 1 is asymmetrical along a plane that is established at a point along the light emitting surface other than the center of the surface. An example of such a structure is depicted in Figure 3, where the line S3 is shown to represent a plane S3

formed at the center of the light emitting surface, while line S2 is used to show the plane S2 of asymmetry which is located a distance D2 from the first plane S3. Due to this asymmetry, the lenses formed on the sides of the plane refract light differently as recited in claim 1.

This structure is different from that of Katsura which has a light emitting diode lamp which has an optical lens that is symmetrical about a plane defined by the optical axis L as shown in Figures 1-9 of Katsura. As a result of this symmetry, the two convex lenses of Katsura are the same on both sides of the plane and therefore refract light equally, unlike the lenses of claim 1. Applicants note that the invention of Katsura is similar to the prior art disclosed by applicants and depicted in applicants' Figure 11.

Accordingly, claim 1 is allowable over Katsura.

Claims 4-7, 12-14 and 16 stand rejected under 35 USC 103(a) on Katsura in view of Yamada. Applicants traverse this rejection. Yamada does not disclose or suggest the asymmetrical structure recited in claim 1, nor has the Examiner cited Yamada as doing so. Accordingly, claims 4-7, 12-14 and 16 which depend from allowable claim 1, are also allowable.

Applicants solicit an early action allowing claims 1-16.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief, including extensions of time, and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 204552029400.

Respectfully submitted,

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Adam Keser  
Registration No. 54,217

Morrison & Foerster<sup>LLP</sup>  
1650 Tysons Boulevard, Suite 300  
McLean, Virginia 22102  
Telephone: (703) 760-7301  
Facsimile: (703) 760-7777